

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 227 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

BHIKHALAL BHATTI

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Appearance:

MR YS LAKHANI for Petitioner

MRS. N.K. PHAWA FOR M/S THAKKAR ASSOC. for Res. No. 1

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CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 06/03/96

ORAL JUDGEMENT

1. Rule. Mrs. N.K. Phawa for M/s Thakkar Associates appears and waives service of Rule.

2. The Trial court has while entertaining the suit of the respondent plaintiff found that under the rules, appeal was competent before the competent authority and

even second appeal was also provided under the regulation of the Gujarat State Road Transport Corporation. The plaintiff thereupon applied to the trial court by application dated 25th of January 1996 that till he files Appeal and such appeal is decided by the competent authority, the Corporation should be directed to maintain status quo as regards service condition of the plaintiff. The learned trial judge has by the impugned order dated 25th January, 1996 directed the plaintiff to file appeal within five days and defendants were directed to decide the same within a month and till then status quo was directed to be maintained. Such order passed by the learned trial judge is stayed by Y.B. Bhatt, J. on 12th February, 1996.

3. In view of the order passed by the trial court, the plaintiff must have preferred the appeal and it is stated at the Bar that such appeal is preferred in January, 1996 itself. Since the order passed by the trial court is already suspended by the learned Single Judge, it is directed that it will be open to the plaintiff to move to the appellate authority by way of interim application for granting ad interim injunction if the same is permissible in the facts and circumstances of this case. However, if the appellate authority has already decided the appeal as directed by the learned trial judge within the period of one month, the question of deciding application for ad interim relief would not arise. Such application, if any, shall be made by the plaintiff within a period of seven days from today. In view of the aforesaid, Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

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